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COMMITTEE ON THE RIGHTS OF THE CHILD

Eighteenth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Concluding observations of the Committee on the Rights of the Child: Hungary

1. The Committee considered the initial report of Hungary (CRC/C/8/Add.34) at its 455th to 457st meetings (see CRC/C/SR.455-457), held on 19 and 20 May 1998 and adopted* the following concluding observations:

A. Introduction

2. The Committee takes note of the submission of the initial report of the State party. It welcomes the written answers to the list of issues (CRC/C/Q/HUN/1) and the additional information submitted in the course of the dialogue with the Committee, which enabled it to assess the situation of the rights of the child in the State party. The Committee welcomes the frank, self-critical and cooperative tone of the dialogue with the State party's delegation. The Committee also acknowledges the fact that the presence of a highly representative delegation, directly involved in the implementation of the Convention in Hungary, enabled it to engage in a constructive dialogue.

B. Positive aspects

3. The Committee welcomes the establishment of the Coordination Council for Children and Youth Affairs, chaired by the Prime Minister, and the Child and

* At the 477th meeting, held on 5 June 1998.

Youth Council for Reconciliation of Interests, composed of representatives from the Government, youth organizations, and non-governmental organizations working for and with children.

4. The Committee notes with appreciation the long-standing achievements of the State party in the areas of education and medical care and welcomes its commitment to maintain these high standards.

5. The Committee welcomes the recent ratification by the State party of ILO Convention No. 138 regarding minimum age for access to work and the Framework Convention for the Protection of Minorities of the Council of Europe.

C. Factors and difficulties impeding the implementation of the Convention

6. The Committee acknowledges that the State party has had to face economic, social and political challenges during the past few years. It notes that the transition to a market economy has led to increased rates of unemployment, poverty and other social problems, and has had a serious impact on the welfare of the population, in particular on all vulnerable groups, including children.

D. Principal subjects of concern

7. The Committee remains concerned that despite recent measures in the field of law reform inconsistencies still exist between the provisions and principles of the Convention and domestic law.

8. The Committee remains concerned by the absence of a comprehensive and integrated national policy on the promotion and protection of children's rights.

9. The Committee is concerned by the gaps in monitoring progress in all areas covered by the Convention and in relation to all groups of children living in urban and rural areas, especially those affected by the consequences of economic transition. The Committee is also concerned at the lack of disaggregated statistical data covering all children under the age of 18.

10. In view of the current trend towards decentralization in the State party, the Committee is concerned about the sustainability of the funding for the provision of health, education and social services for children. It is also concerned by the absence of a regulating and monitoring mechanism to ensure appropriate distribution of resources to children by local authorities.

11. Although aware of the initiatives already taken by the State party, the Committee remains concerned by the insufficiency of measures taken to disseminate information and educate all parts of society, adults and children alike, on the principles and provisions of the Convention. The Committee is also concerned about the fact that the Convention has not been made available in all the minority languages spoken in the State party, including Roma. Insufficient training on the Convention provided to professional groups such as judges, lawyers, law enforcement personnel, teachers, social workers and civil servants is also a matter of concern.

12. While the Committee welcomes the cooperation between non-governmental organizations working with and for children and the authorities, it is concerned that the potential of the non-governmental sector in contributing to the development of children's rights policies and programmes is not fully realized.

13. The Committee is concerned that the general principles of the Convention, as laid down in its articles 2 (non-discrimination), 3 (best interests of the child) and 12 (respect of the views of the child), are not fully applied or duly integrated into the implementation of the policies and programmes of the State party.

14. While the Committee notes with appreciation the measures taken by the State party, including the adoption of government resolution No. 1093/1997 on a package of medium-term measures intended to improve the living standards of the Roma population, it remains concerned about the persistence of discriminatory practices against this minority group.

15. Regarding the implementation of article 13 of the Convention, the Committee is concerned about the insufficient measures undertaken by the State party to promote children's right to participation within the family, at school, and in society in general. The Committee is also concerned about the restriction to the right of freedom of association (article 15 of the Convention), since there is no registry of associations managed by children.

16. The Committee is concerned by the cases of ill-treatment of children in the family and in institutions as well as the lack of adequate measures for the psycho-social recovery of child victims of such abuses. Cases of ill-treatment by law enforcement personnel in or outside detention centres are also a matter of deep concern.

17. In light of the principles and provisions of the Convention, especially its articles 3, 7 and 21, the amendment to Act XV of 1990, which grants the parent the option of placing a child up for adoption before birth, is a matter of concern for the Committee.

18. While noting the State party's achievements with regard to infant and under-five mortality rates, universal immunization and low birth weights, as well as in the field of education, the Committee is still concerned, in light of the principle of non-discrimination (article 2 of the Convention), about the unequal access to health services and opportunities in the education system, especially in rural areas, among minority groups and families living in poverty.

19. The Committee is concerned about the insufficient awareness-raising campaign in health facilities on the benefits of breastfeeding.

20. The Committee expresses its concern that the legal and other measures being taken to address the problems of child abuse, including sexual abuse within the family, are insufficient. The Committee is also concerned about the lack of research on the issue of sexual abuse within the family.

21. The high rate of youth suicide is a matter of concern to the Committee. The Committee is also concerned about the insufficiency of measures taken to address adolescent health issues such as reproductive health and the incidence of early pregnancies. The Committee expresses its concern at the increase in drug abuse and alcohol consumption among children and the insufficient preventive measures taken by the State party.

22. The Committee is concerned about the insufficiency of legal and other measures to address the issue of sexual exploitation of children, including child prostitution and trafficking of children.

23. The Committee is concerned about the compatibility of the juvenile justice system in the State party with articles 37, 40 and 39 of the Convention and with other relevant standards such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. In particular, the Committee is concerned about the ill-treatment of children in detention centres, that deprivation of liberty is not used as a measure of last resort, and about the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority.

E. Suggestions and recommendations

24. The Committee recommends that the State party take all appropriate measures to facilitate the process of full harmonization of domestic legislation with the principles and provisions of the Convention in the form of a children's code, taking especially into account the holistic nature of this treaty.

25. The Committee recommends that the State party strengthen and expand the scope of existing mechanisms for coordinating and monitoring children's rights in order to reach local-level governments. In this regard, the Committee suggests that structures dealing with children's issues be established in the various local governments. The relationship between the Coordination Council for Children and Youth Affairs and the various relevant structures in the local governments needs to be defined.

26. The Committee recommends that the State party adopt a comprehensive and integrated policy for children such as a national plan of action to assess progress achieved and difficulties encountered in the realization of the rights recognized by the Convention at the central and local levels, and in particular to monitor regularly the effects of economic change on children. Such a monitoring system should enable the State to shape appropriate policies and to combat prevailing social disparities.

27. The Committee encourages the State party to ensure the full implementation of article 4 of the Convention in the light of the general principles of the Convention, in particular the best interests of the child. Available resources should be allocated to their maximum extent to ensure the implementation of economic, social and cultural rights, with particular emphasis on health and education, and on the enjoyment of these rights by the most disadvantaged groups of children. The Committee also emphasizes the need for the State party to take immediate steps to address the problem of child

poverty and make every feasible effort to ensure that all families, particularly single-parent families and Roma families, have adequate resources and facilities. Furthermore, the Committee recommends that the local governments be encouraged to generate local income for funding social services, in particular for the protection and promotion of children's rights.

28. The Committee encourages the State party to strengthen its efforts to disseminate the principles and provisions of the Convention. The Convention should be made available in minority languages, especially Roma. Furthermore, training on the Convention should be conducted for professional groups such as judges, lawyers, law enforcement and army officials, civil servants, personnel working in institutions and places of detention for children, health personnel and psychologists, and social workers. The Convention should also be disseminated to non-governmental organizations, the mass media and the public at large including children themselves.

29. The Committee encourages the State party to continue and strengthen its efforts to develop a closer partnership with non-governmental organizations.

30. The Committee recommends that further efforts be made to ensure that national laws take fully into account the principles of non-discrimination, the best interests of the child, respect for the views of the child, and his or her right to participate in the family, at school, other institutions, and in society in general. These principles should also be reflected in all policies and programmes relating to children.

31. The Committee encourages the State party to continue and reinforce its efforts aimed at reducing discriminatory practices against the Roma population and improving the general status of Roma children.

32. In light of articles 19 and 37 (a), the Committee strongly recommends that the State party take all appropriate measures to prevent and combat ill-treatment of children, including physical and sexual abuse within the family, at school and in child-care institutions. The Committee recommends that the State party undertake prevention campaigns, including through education, to protect children against abuse and maltreatment. Comprehensive studies on these issues should be initiated in order to understand them better and facilitate the elaboration of policies and programmes, including rehabilitation programmes, to combat them effectively.

33. The Committee recommends that the State party consider reviewing its legislation and practice relating to the possibility of placing a child up for adoption before birth. Furthermore, the Committee encourages the State party to consider accession to the Hague Convention of 1993 on Protection of Children and Cooperation in Respect of Intercountry Adoption.

34. The Committee recommends that the State party envisage undertaking further measures to prevent and redress unequal access to health services and to the education system between the rural and urban population, and in particular to facilitate the access of Roma children to health and education. The Committee also recommends that health services and medical supplies be equally distributed between and within the local governments. Schools and vocational training should be made accessible to poor children and those living in rural areas, especially children belonging to the Roma population.

35. The Committee recommends that breastfeeding be promoted in health facilities.

36. With regard to adolescent health issues, the Committee recommends that in order to reduce the number of teenage pregnancies, reproductive health education programmes be strengthened and that information campaigns be launched concerning family planning and prevention of HIV/AIDS. Furthermore, the Committee encourages the State party to continue its efforts in undertaking comprehensive studies on suicide among youth to enable authorities to improve their understanding of this phenomenon and take appropriate measures to reduce the suicide rate. The Committee also recommends that the State party undertake further preventive and curative measures, including rehabilitation and reintegration programmes, to address the issue of drug abuse and alcohol consumption among adolescents.

37. The Committee encourages the State party to continue its efforts to prevent and combat the commercial sexual exploitation of children, especially the use of children in pornography and prostitution and the trafficking of children. Further studies and surveys should be conducted on this issue in order to design a comprehensive policy and programmes to address the phenomena. Rehabilitation and reintegration programmes should be developed for victims of sexual abuse and exploitation.

38. The Committee recommends that the State party envisage undertaking further measures to ensure the full compatibility of the juvenile justice system with the Convention, especially articles 37, 40 and 39, and other United Nations standards in this field such as the Beijing Rules, the Riyadh Guidelines and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Particular attention should be paid to addressing issues such as the ill-treatment of children in detention centres, the use of deprivation of liberty other than as a measure of last resort, and the stigmatization of the most vulnerable categories of children, including those belonging to the Roma minority. Training programmes on the relevant international standards should be conducted for all professionals involved with the juvenile justice system. The Committee further suggests that the State party consider seeking technical assistance for this purpose, inter alia from the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention, the International Network on Juvenile Justice and UNICEF, through the Coordination Panel on Technical Advice and Assistance in Juvenile Justice.

39. Finally, in the light of article 44, paragraph 6, of the Convention, the Committee recommends that the initial report and written replies submitted by the State party be made widely available to the public at large and that the publication of the report be considered, along with the relevant summary records and concluding observations adopted thereon by the Committee. Such a document should be widely distributed in order to generate debate and awareness of the Convention and of its implementation and monitoring within the Government, the Parliament and the general public, including concerned non-governmental organizations.